

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-211735

DATE: June 6, 1983

MATTER OF: Dunrite Tool & Die, Inc.

## DIGEST:

Agency properly did not make award to the low bidder where award was made after expiration of the bid acceptance period and the agency did not receive the requested express statement from the bidder extending the bid or otherwise had reason to know that the bidder intended to extend.

Dunrite Tool & Die, Inc. protests the rejection of its bid for failure to acknowledge a request to extend the bid acceptance period under Army solicitation DAAA09-83-B-0024. We summarily deny the protest.

The invitation for bids (IFB) solicited bids for 469 headrest assemblies. Bids were opened in early January 1983, and were due to expire on March 7. (Experiencing administrative delays in bid evaluation, on March 1 the Army requested that bidders extend their bid acceptance periods for an additional 60 days, to May 6. Confirmation or denial of the extension was requested by return wire or mail, to be transmitted on or before March 7.

According to Dunrite, the low bidder, on March 3 the firm mailed a letter to the contracting officer agreeing to the extension. Dunrite's letter, however, was never received by the Army, and the award, when made in April, was made to the second low bidder. Dunrite maintains that as the low bidder it should have received the award.

While the Government has no right to force bidders to extend their bids, it may request bidders to do so pursuant to Defense Acquisition Regulation § 2-404.1(c) (1976 ed.) when the agency experiences administrative difficulties that may delay award within the original bid acceptance periods. Yardney Electric Division, 60 Comp. Gen. 499 (1981), 81-1 CPD 440. When the agency does request an extension, it is the responsibility of the firm

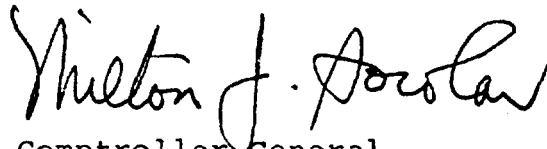
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that desires to extend its bid to communicate-assent, either by insuring that an express extension in fact is received by the agency, or through conduct from which the agency can infer the bidder's intention to extend the bid. See Arsco International, B-202607, July 17, 1981, 81-2 CPD 46.

We believe the Army acted properly here. While Dunrite alleges that it mailed a response to the Army's request to extend the bid, the Army never received the letter and Dunrite does not suggest that the Army had any other way of knowing that Dunrite intended to keep its bid open for acceptance after the initial bid expiration date. Under the circumstances, we believe it reasonable for the Army to assume that Dunrite had decided to let the bid expire, and to award the contract to another firm.

The protest is denied.

A handwritten signature in black ink, reading "Milton J. Dorlan". The signature is written in a cursive, flowing style.

Acting Comptroller General  
of the United States